

AGENDA
ZONING BOARD OF APPEALS
JULY 27, 2016 – 7:00 P.M.
TOWN HALL ANNEX – COMMUNITY ROOM 1

I. ROLL CALL

II. PUBLIC HEARING

1. ZBA#16-09 – 96 Midway Oval, James Laird/Owner for a variance to Section 5.2 to allow a side yard setback of 11 feet in lieu of the required 12 feet for a deck roof. PIN#169812865009, R-12 Zone.*
2. ZBA#16-10 –18-22 West Main Street, Historic Mystic LLC/Owner, Gregg Fedus/Engineer, for a variance to Section 5.2 to allow side yard setbacks of 0 feet in lieu of the required 10 feet, a front yard setback of 0 feet in lieu of the required 10, and lot coverage of 100% instead of the required 65% feet for a new carport. PIN#261918412081, WDD Zone. CAM.*

III. MEETING FOLLOWING PUBLIC HEARINGS

1. ZBA#16-09 – 96 Midway Oval, James Laird/Owner*
2. ZBA#16-10 –18-22 West Main Street, Historic Mystic LLC/Owner*

IV. CORRESPONDENCE

V. APPROVAL OF MINUTES

1. July 13, 2016*

VI. OLD BUSINESS

VII. NEW BUSINESS

1. New Applications
 - a. Boggio Home Renovation, 2 Bradley Lane
 - b. Soeder-Esposito, 5 Grove Avenue, Mystic

VIII. REPORT OF STAFF

IX. ADJOURNMENT

* Enclosed

Next meeting: August 10, 2016



TOWN OF GROTON

PLANNING AND DEVELOPMENT SERVICES

DEBORAH G. JONES
ASSISTANT DIRECTOR
DJONES@GROTON-CT.GOV

134 GROTON LONG POINT ROAD, GROTON, CONNECTICUT 06340
TELEPHONE (860) 446-5970 FAX (860) 448-4094
WWW.GROTON-CT.GOV

July 14, 2016

The Day
Attention: Legal Advertising
P.O. Box 1231
New London, Connecticut 06320

Please publish the following legal ad on July 15, 2016 and July 22, 2016.

TOWN OF GROTON ZONING BOARD OF APPEALS NOTICE OF PUBLIC HEARING

The Zoning Board of Appeals will hold a public hearing on Wednesday, July 27, 2016 at 7:00 p.m. in Community Room 1, Town Hall Annex, 134 Groton Long Point Road, to hear the following:

ZBA#16-09 – 96 Midway Oval, James Laird/Owner for a variance to Section 5.2 to allow a side yard setback of 11 feet in lieu of the required 12 feet for a deck roof. PIN#169812865009, R-12 Zone.

ZBA#16-10 – 18-22 West Main Street, Historic Mystic LLC/Owner, Gregg Fedus/Engineer, for a variance to Section 5.2 to allow side yard setbacks of 0 feet in lieu of the required 10 feet, a front yard setback of 0 feet in lieu of the required 10, and lot coverage of 100% instead of the required 65% feet for a new carport. PIN#261918412081, WDD Zone. CAM.

Applications are on file and available for public inspection during normal business hours at the Planning Department, 134 Groton Long Point Road, Groton, CT. Dated this 15th day of July, 2016 at Groton, CT. (On second insertion, please put “Dated this 22nd day of July, 2016 at Groton, CT.”)

Ed Stebbins, Chairman

Account #30384
P.O. #16000391

PLEASE DO NOT BOLD PRINT. If you have any questions, please do not hesitate to contact me.

Sincerely,

Deborah G. Jones
Assistant Director

DGJ:rms

MEMORANDUM

TO: Zoning Board of Appeals
FROM: Matthew Allen, Planner I *MTA*
DATE: July 20, 2016
SUBJECT: Agenda Report for July 27, 2016 Meeting

The following is intended to provide background information concerning the applications being reviewed at the next meeting of the Zoning Board of Appeals. Staff summaries and location maps are included. If you have any questions or requests please contact me at mallen@groton-ct.gov or **860-448-4088**.

ZBA#16-10 -18-22 West Main Street, Historic Mystic LLC/Owner, Gregg Fedus/Engineer, for a variance to Section 5.2 to allow side yard setbacks of 0 feet in lieu of the required 10 feet, a front yard setback of 0 feet in lieu of the required 10, and lot coverage of 100% instead of the required 65% feet for a new carport. PIN#261918412081, WDD Zone, CAM. The proposed 44 foot X 12 foot covered carport will be located at the property's Gravel St. frontage.

ZBA#16-09 - 96 Midway Oval, James Laird/Owner for a variance to Section 5.2 to allow a side yard setback of 11 feet in lieu of the required 12 feet for a deck roof. PIN#169812865009, R-12 Zone. The applicant wishes to build a 12 foot X 9 foot roof over an existing deck on the side of his home.

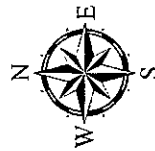
STAFF SUMMARY SHEET

PROJECT NAME/LOCATION: ZBA16-09, Laird Residence Deck Overhang, 96 Midway Oval	
CAM: NA	
STAFF PLANNER: MTA	SUMMARY DATE: 7/20/16
TERMINAL ACTION DATE: 8/28/16	PUBLIC HEARING CLOSED: NA
EXISTING LAND USE/ZONING: R-12	SITE AREA: 0.24 AC. SQ. FT.
SURROUNDING LAND USE/ZONING DISTRICT(S):	
North: R-12 South: R-12 East: R-20 West: R-12	
HISTORY: On the property is located a single family home which serves as the primary residence of Mr. and Mrs. Laird. The property is located in the development known as Fort Hill Homes off Poquonnock Rd.	
PROJECT DESCRIPTION: The applicant is requesting a variance to Section 5.2 to allow for a side yard setback of 11 feet instead of the required 12 feet for a 9 foot X 16 foot roof for an existing deck.	
LIST AGENCIES WITH OUTSTANDING COMMENTS:	
WAIVERS:	
LAND USE/DEVELOPMENT ISSUES ANALYSIS: A letter was submitted with this application from the physician of the applicant's wife. The letter explains that Ms. Laird's prescribed medication inhibits her ability to tolerate exposure to direct sunlight. It is for this reason the applicant wishes to put a roof on his deck.	
ATTACH ANY RECOMMENDED ACTION, INCLUDING MODIFICATIONS AND/OR CONDITIONS AND TECHNICAL ITEMS.	

Town of Groton



96 MIDWAY OVAL



Disclaimer

The platonic and geographic information depicted on this map was prepared by the Groton GIS Department. The platonic and geographic information depicted on this map has been compiled from various sources, including aerial photography, ground surveys, and other information. The Groton GIS Department is not responsible for the accuracy or completeness of the information depicted on this map. This map is not to be used for the transfer of property.

Horizontal Datum:
Connecticut State Plane Coordinates, North American Datum of 1983 (NAD83 Feet)
Vertical Datum:
North American Vertical Datum of 1988 (NAVD88)

Date: 7/20/2016



Town of Groton



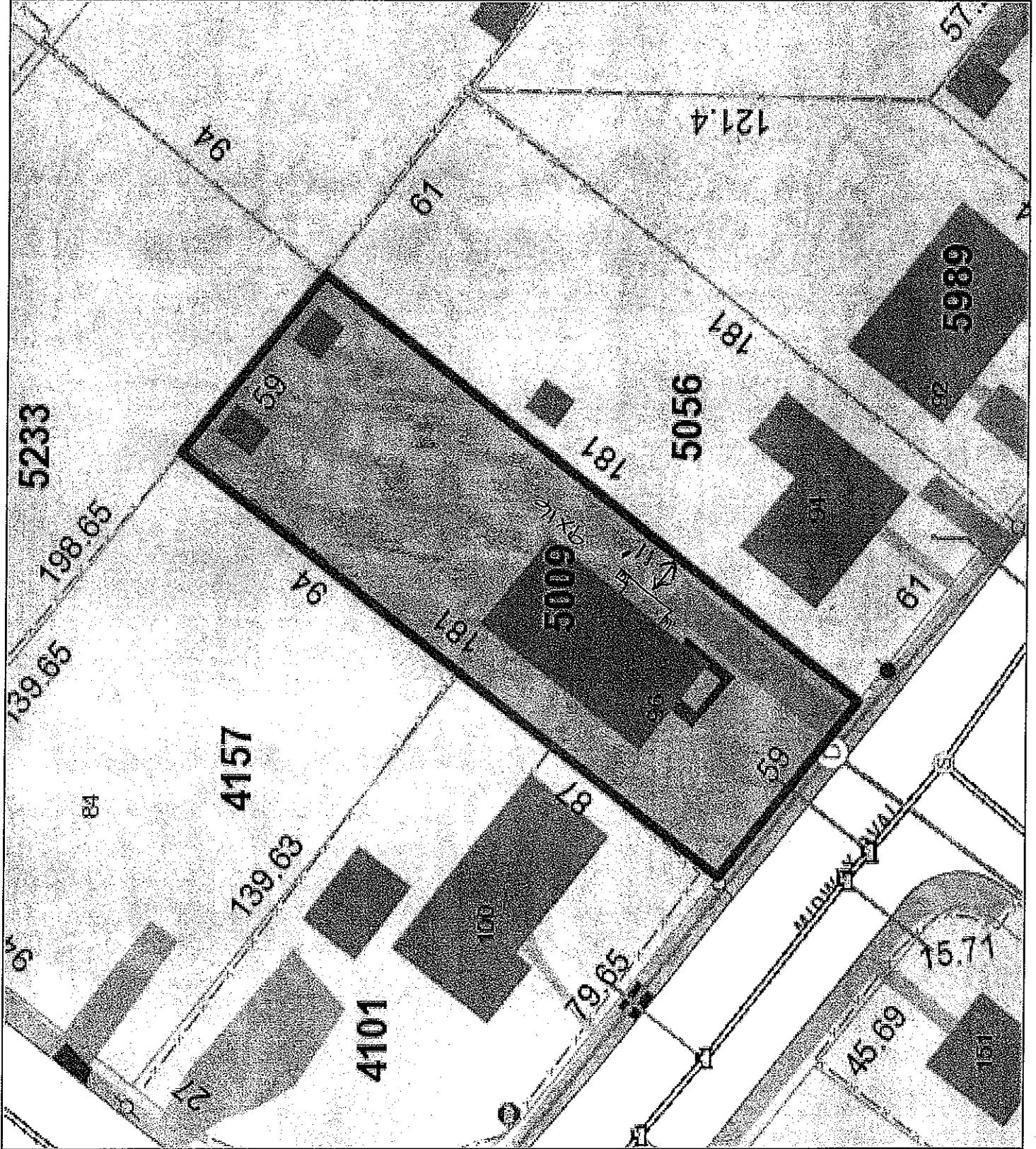
96 MIDWAY OVAL



Disclaimer:
The planimetric and topographic information depicted on this map was compiled by The Carlson Map Company based on an aerial photograph taken in April 2006. The parcel and property line information shown on this map is derived from the most current recorded deeds, maps, and other records on file in the Town of Groton. The intent of this map is to depict a graphical representation of real property information as shown on the planimetric features by the Town of Groton and is not intended to be used for legal purposes. The Town of Groton and the mapping companies assume no liability for the information contained in this data.
THIS MAP IS NOT TO BE USED FOR THE TRANSFER OF PROPERTY.

Horizontal Datum:
Connecticut State Plane Coordinate, North American Datum of 1983 (NAD83 Feet).
Vertical Datum:
North American Vertical Datum of 1988 (NAVD88).

Date: 6/24/2016



STAFF SUMMARY SHEET

PROJECT NAME/LOCATION: ZBA16-10, New Central Hall Carport, 18-22 West Main St.	
CAM: Yes	
STAFF PLANNER: MTA	SUMMARY DATE: 7/20/16
TERMINAL ACTION DATE: 8/31/16	PUBLIC HEARING CLOSED: NA
EXISTING LAND USE/ZONING: WDD	SITE AREA: 0.19 AC. SQ. FT.
SURROUNDING LAND USE/ZONING DISTRICT(S):	
North: WDD	South: WDD East: WDD West: WDD
<p>HISTORY:</p> <p>In March 2000, a fire destroyed the existing building at 18-22 W. Main St. On August 23, 2000, the ZBA approved a variance to allow the reconstruction of a non-conforming structure and to allow the new construction of a residential structure to have its lowest floor below the base flood level (elevation 7.8). The ZC approved a Special Permit # 242 and CAM in September 2000 for a retail/residential building, waterfront walkway and site improvements (1st floor retail, 2nd & 3rd floor as 12 residential units). PC approved the site plan (Aillyn/Bohlander) with CAM in June 2001. PC then approved a site plan (Paragon) with CAM in March 2004 for a retail/residential building (1st floor retail, 2nd & 3rd floor as 7 residential units).</p> <p>In August 2006, a new Special Permit #289 with CAM was approved for a mixed use 4-story building with 6 retail stores, and 16 residential units, coastal public access and other pedestrian access linkages related to site improvements and accessory parking. On March 27, 2007, the PC approved a site plan (Historic Mystic, LLC) and CAM to correspond with Special Permit # 289. On July 8, 2008, the PC approved a site plan (Historic Mystic, LLC) and CAM and modified the plan from 16 to 12 residential units. A Special Permit #324 was approved by the ZC on January 4, 2012 to modify the parking program and allow for the use of additional spaces at the 36 W Main St (Tift Building) for the residential units at 18-22 W Main St. On October 9, 2012, the Planning Commission approved a site plan and CAM to modify parking based on SP #324, and include an underground propane tank at 2 Gravel Street.</p>	
PROJECT DESCRIPTION: The applicant is requesting a variance to Section 5.2 to allow for front and side yard setbacks of 0 feet instead of the required 10 feet, and lot coverage of 100% instead of the required 65% for a 44 foot by 12 foot covered carport.	
LIST AGENCIES WITH OUTSTANDING COMMENTS:	
WAIVERS:	

LAND USE/DEVELOPMENT ISSUES ANALYSIS:

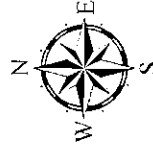
1. An Electric Distribution Easement Agreement exists between Historic Mystic LLC, the owner of the property in question, and CT Light & Power (now Eversource). The Agreement prohibits a structure from the "Easement Area" which covers the location of the proposed carport.
2. Town of Groton Public Works has raised concern about the close proximity of the proposed carport to equipment located on the adjacent Town-owned property (pump house). Public Works will submit a letter to the Zoning Board of Appeals against this application.

ATTACH ANY RECOMMENDED ACTION, INCLUDING MODIFICATIONS AND/OR CONDITIONS AND TECHNICAL ITEMS.

Town of Groton



18 WEST MAIN ST



Disclaimer

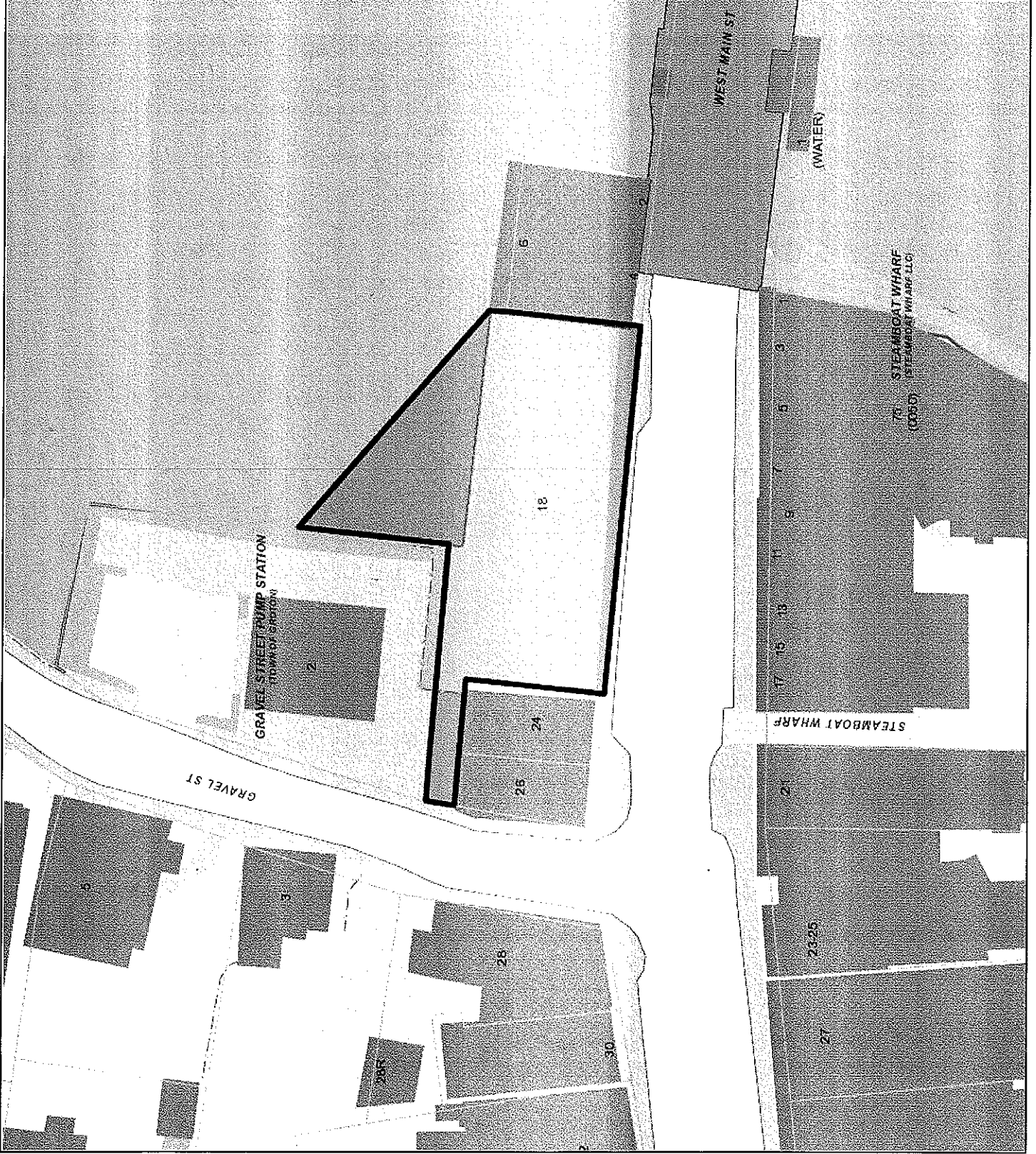
The plat maps and geographic information depicted on this map was compiled by the Sanborn Map Company based on an aerial photograph taken in April 2005. The plat map and property line information depicted on this map has been compiled from various sources including the Sanborn Map Company, the State of Connecticut, the Town of Groton, and other sources of information. The map is not a survey and should not be used to establish a legal boundary or for any other legal purpose. The map is for informational purposes only and is not a substitute for a professional survey. The map is not to be used for the transfer of property.

Horizontal Datum:

Connecticut State Plane Coordinates, North American Datum of 1983 (NAD83 Feet).

Vertical Datum:

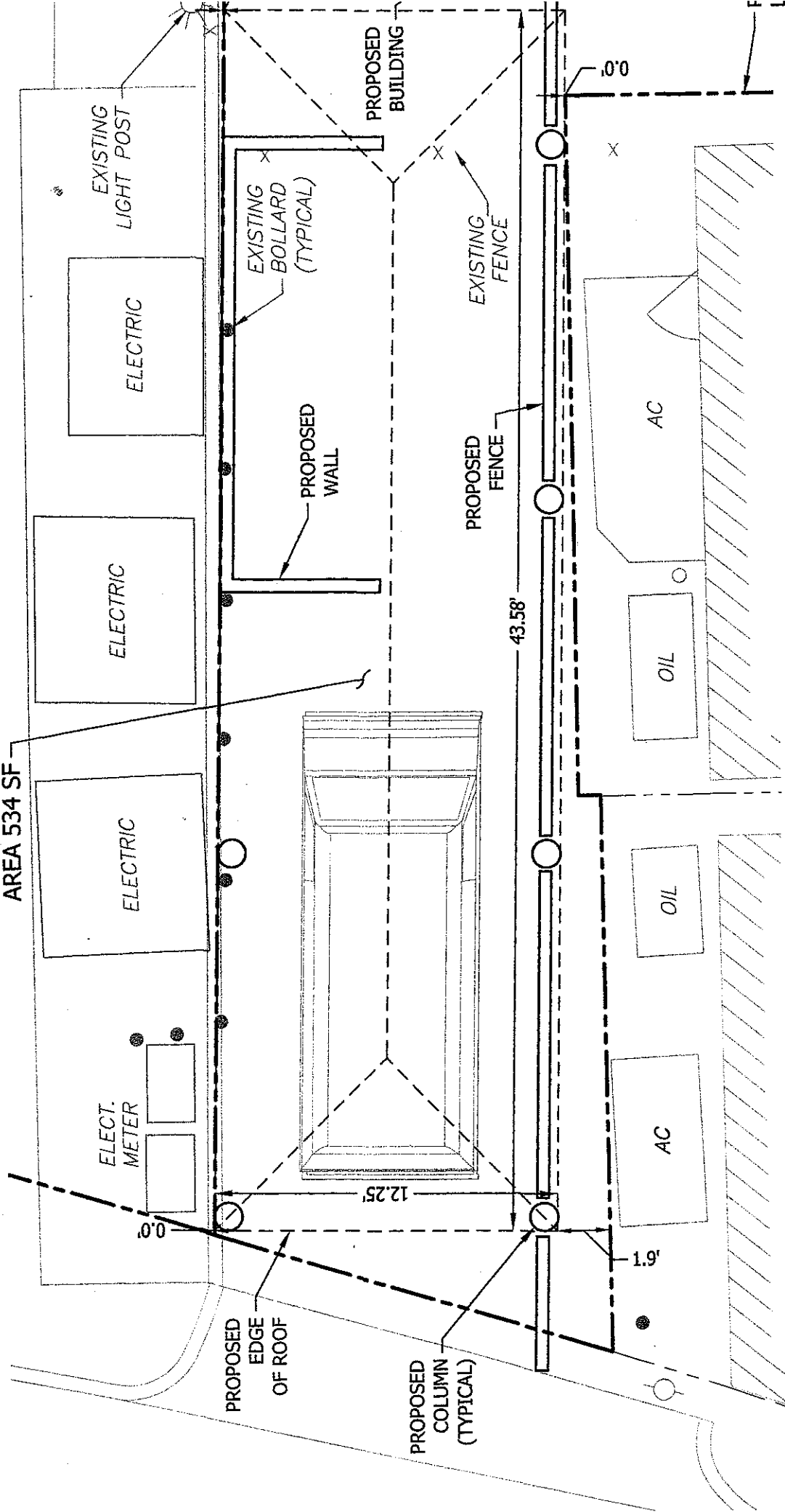
North American Vertical Datum of 1988 (NAVD88).



Date: 7/20/2016

PROPOSED CARPORT

AREA 534 SF



CARPORT DETAIL

SCALE: 1"=5'

MINUTES
TOWN OF GROTON
ZONING BOARD OF APPEALS
JULY 13, 2016 – 7:00 P.M.
TOWN HALL ANNEX – COMMUNITY ROOM 1

Chairman Stebbins called the meeting to order at 7:00 p.m.

I. ROLL CALL

Regular members present: Stebbins, Manning, Kravits, Mencer, Russotto

Absent:

Staff present: Allen, Silsby

Public hearing procedures were reviewed by Chairman Stebbins.

II. PUBLIC HEARING

1. ZBA#16-05 – 0 North Road, Christ United Methodist Church/Applicant, City of Groton/Owner, for variances to Section 7.3-3 B to allow a sign to project beyond the property line, and Section 7.3-7 to allow a freestanding sign on a parcel not containing the principal use, and to allow for a 1 foot setback on Hazelnut Hill Road and a 3 foot setback on North Road instead of the required 10 feet. PIN#169920812360 E, IP-80C Zone – Continued

Manning stated that this public hearing is being continued from the May 11, 2016 meeting. He read the Call of the Hearing and stated that mailings were previously found to be in order.

Austin Alvarez of 33 Pheasant Run Drive, Gales Ferry, and Larry Timpano of 341 Brook Street, Noank, both Trustees of the church, presented the application. Alvarez reviewed a map showing where the proposed 14 square foot sign would be erected and submitted photos and other documentation. Background information was given about the previous non-conforming sign that had been in place at the site for more than 40 years. He noted that his original application of October 2015 had been denied. This new application proposes a smaller sign in the same location. He referred to his communication with the State of Connecticut. Numerous documents were submitted, including photos, letters and a schematic of what the new sign would look like.

Timpano noted that the church had been notified by the Town of Groton that the sign that had been erected at the site was in violation of zoning regulations and would need to be removed. He referred to attending a Planning Commission meeting whereby the Commission stated that a directional sign would be most appropriate in that location on North Road. Timpano stated that the City of Groton, the owner of the property, has given approval to install a sign.

Alvarez explained the hardship being that the church building is not visible from the bottom of Hazelnut Hill Road where it intersects with North Road. The existing “dead end” sign is also a deterrent. He stated that people are not able to locate the church without the sign and attendance has dropped off drastically. He spoke about the many benefits that the church affords to the community. Alvarez thanked Staff for their assistance and hopes the Board approves his request.

Chairman Stebbins asked if there was anyone in the audience to speak in favor or against this application.

Jane Nemeth, 137 Sharon Road, a Trustee of the church, submitted a letter of support and explained why a hardship exists.

Jill Martin, 808 Eastern Point Road, highly recommends this sign and submitted a letter for the record.

Carol Alvarez, 33 Pheasant Run Drive, Gales Ferry, spoke in favor of this application. She referred to the many benefits the church adds to the community, such as a 12-step addiction rehabilitation program. She believes the hardship is that the church is at the end of a dead end road.

Audrey Davis Smith spoke in support of this application. She gave information about her involvement with the church since her childhood and urged the Board to approve a directional sign.

Carol Patterson, a previous resident of 952 North Road, recalled when she moved to town and searched for a bible school for her young children. She is very thankful that this church welcomed her and her family with open arms. She hopes and prays that another sign is allowed in the proposed location.

Manning read a memo dated 7/13/16 from the Planning Commission who had no comment. He stated that 24 letters/emails of support have been accepted into the record, to which Staff attested was correct. Additional letters of support were noted. A summary of a meeting that Alvarez had with the State of Connecticut was also submitted.

Staff stated that last year, an application for a variance to replace a longstanding non-conforming sign with a much larger new sign was denied. As reflected in the minutes of that meeting in October 2015, the Board advised the applicant that it would consider without prejudice and be likely to approve an application for a sign no larger than the old sign. The sign proposed in this most recent application is not larger than the old sign.

The Public Hearing closed at 8:12 p.m.

2. ZBA#16-08 - 324 Flanders Road, Timothy Marshall/Owner for a variance to Section 5.2 to allow a side yard setback of 6 feet in lieu of the required 20 feet and a rear yard setback of 20 feet in lieu of the required 30 feet. PIN#260914329654, RS-20 Zone.

Manning read the Call of the Hearing and stated that mailings were reviewed and found to be in order.

For the record, Manning stated that his wife used to work with the Applicant's Mother. Manning does not feel that that has any bearing on this application.

Timothy Marshall, 324 Flanders Road, reviewed a map and his application to build a garage. He pointed out the narrowness of his lot and his house being situated in an angular manner. A map and elevation plans were submitted as exhibits. He stated that his neighbors support his proposal. He spoke about the

driveway and setbacks. He believes that the hardship is that the property is extremely narrow.

The size of the garage was discussed. The location of the well and septic system were noted. The Board felt that there were no other alternative locations for the garage and that a number of hardships exist.

Manning read a memo dated July 13, 2016, from the Planning Commission, who had no comment. Staff stated that the garage will have no live-in space.

The public hearing closed at 8:32 p.m.

III. MEETING FOLLOWING PUBLIC HEARING

1. ZBA#16-05, 0 North Road, Christ United Methodist Church/Applicant, City of Groton/Owner

The Board understands the uniqueness of the hardship and would support a sign. Manning referred to town regulations, noting that people don't know the church exists up the hill because it is not visible from North Road and because a "dead end" sign hinders people from driving up the hill.

MOTION: To grant the variance as requested

Motion made by Mencer, seconded by Kravits, so voted 4 in favor, 1 abstention (Russotto). Motion passed.

2. ZBA#16-08, 324 Flanders Road, Timothy Marshall/Owner

The Board is comfortable with this application because the lot is very narrow.

MOTION: To grant the variance as requested

Motion made by Mencer, seconded by Russotto, so voted unanimously

IV. CORRESPONDENCE

Staff distributed the Connecticut Federation of Planning & Zoning Agencies quarterly newsletter.

V. APPROVAL OF MINUTES

1. June 22, 2016

MOTION: To adopt the minutes of June 22, 2016

Motion made by Russotto, seconded by Kravits, so voted unanimously

VI. OLD BUSINESS - None

VII. NEW BUSINESS

1. New Applications

Staff reviewed the new applications listed below.

- a. ZBA#16-09 - Laird Residence, 96 Midway Oval
- b. ZBA#16-10 - New Central Hall, 18-22 West Main Street
- c. ZBA#16-11 - Boggio Home Renovations, 2 Bradley Lane

VIII. REPORT OF STAFF - None

IX. ADJOURNMENT

Motion to adjourn at 8:45 p.m. made by Mencer, seconded by Russotto, so voted unanimously.

Tom Manning, Secretary
Zoning Board of Appeals

Prepared by Robin Silsby
Office Assistant II

NOT APPROVED